

Message Text

PAGE 01 WARSAW 01619 060738 Z

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ACTION CU-04

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----- 125895

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FM AMEMBASSY WARSAW
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UNCLAS WARSAW 1619

E. O. 11652: N/A

TAGS: SCUL

SUBJ: STAG GRANTS SUMMER SEMINARS

REF: DWYER- KEY LETTER OF MARCH 20; STATE 039069

FOR: IEE

1. EMBASSY RECOMMENDS THAT CAL PROJECT SPECIALISTS KANE AND CARROLL BE GIVEN STAG OR STAG- LEVEL STIPEND OVER PROJECT SALARY FOR SERVICE IN 1973 SEMINARS. BOTH ARE WILLING TO USE CAL ANNUAL LEAVE TIME FOR SEMINARS AND HOOD ROBERTS BELIEVES SUFFICIENT LEAVE TIME ACCRUED TO COVER SEMINAR PERIODS.

2. IF ABOVE OR EQUIVALENT ARRANGEMENT IMPOSSIBLE, EMBASSY PREFERS TO WITHDRAW KANE AND CARROLL NOMINATIONS AND SEEK STAG REPLACEMENTS, EVEN THOUGH KANE AND CARROLL UNIQUELY SUITED BY QUALIFICATIBS, POLISH EXPERIENCE AND AVAILABILITY FOR PREPLANNING TO DO SUPERIOR JOB .

3. UNTIL THEIR MEETING WITH HOOD ROBERTS LAST WEEK, ALL THREE CAL SPECIALISTS SINCERELY BELIEVED THEY WERE HIRED ON A 10- MONTH ACADEMIC YEAR BASIS AND PLANNED ACCORDINGLY. KANE, FOR EXAMPLE, TODAY SHOWED EMBASSY A CAL MEMO DATED OCTOBER 4 FROM HAMMER TO KANE STATING, " YOUR APPOINTMENT BEGINS 29 SEPTEMBER 1972 AND RUNS THROUGH 30 JUNE 1973". THE EMBASSY BELIEVES THIS MISAPPREHENSION UNDERSTANDABLE, DESPITE BEST INTENTIONS ALL CONCERNED, IN VIEW EXTRAORDINARY DIFFICULTIES IMPOSED ON PROJECT PLANNING AT LAST MINUTE BY " 30 PERCENT" QUESTION. HOWEVER, THE EMBASSY TRUSTS THAT THE DEPARTMENT AND CAL WILL UNDERSTAND THE NATURAL REACTIONS
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PAGE 02 WARSAW 01619 060738 Z

OF KANE AND CARROLL TO THIS ADJUSTMENT OF THEIR EXPECTATIONS.
BOTH HAD CONSIDERED THE INTENSE EFFORT REQUIRED IN RESIDENTIAL

SEMINAR SERVICE AS

OF AMERICA AND THE GOVERNMENT OF THE NETHERLANDS HAVE DISCUSSED THE CONDITIONS GOVERNING TRAVEL GROUP CHARTER (TGC) FLIGHTS AND ADVANCE BOOKING CHARTER (ABC) FLIGHTS BETWEEN THE UNITED STATES AND THE NETHERLANDS, AND HAVE CONCLUDED THAT EACH COUNTRY' S RULE FORMULATION CONTAINS A NUMBER OF IMPORTANT ELEMENTS SPECIFICALLY RELATED TO THE DISSIMILAR MARKETING CONDITIONS, INTERNAL LEGAL SITUATION, AND ENFORCEMENT STRUCTURE OF EACH COUNTRY. IN OTHER RESPECTS THE MAJOR ASPECTS OF THE ABC AND TGC RULES ARE NEARLY IDENTICAL, AND THE RULES ARE DECIDEDLY " ADVANCE CHARTER" RULES IN THE TRANSATLANTIC CONNOTATION OF THE TERM.

WITH REGARD TO THE MAJOR ELEMENTS RELATED TO THE DIS-SIMILAR MARKETING CONDITIONS, INTERNAL LEGAL SITUATION, AND ENFORCEMENT STRUCTURE OF EACH COUNTRY, IT APPEARED TO BE IMPOSSIBLE FOR ORGANIZERS OR CARRIERS OF EITHER COUNTRY TO ACHIEVE SIMULTANEOUS CONFORMITY WITH THE RULES OF BOTH COUNTRIES ON PARTICULAR FLIGHTS. ACCORDINGLY, THE PRACTICAL SOLUTION FOR THE TIME BEING WHICH WILL BEST SERVE THE PUBLIC INTEREST IN THE OPERATION OF " ADVANCE CHARTERS-- TGC/ ABC' S", PARTICULARLY IN THE TRANSATLANTIC MARKET, WILL BE THAT TRAFFIC CONFORMING WITH THE ADVANCE CHARTER RULES OF THE COUNTRY OF ORIGIN OF THE TRAFFIC SHOULD BE ACCEPTED AS CHARTERWORTHY BY THE OTHER COUNTRY.

THIS MEMORANDUM SETS FORTH THE AGREED REGULATORY PROCEDURES TO GIVE EFFECT TO THIS CONCEPT, AS WELL AS PARTICULAR ACTIONS EACH WILL UNDERTAKE, FOR THE PERIOD ENDING DECEMBER 31, 1975. THIS MEMORANDUM MAY BE TERMINATED AT THE END OF ANY CALENDAR YEAR PROVIDED AT LEAST THREE MONTHS' PRIOR NOTICE HAS BEEN GIVEN; OR, AT SUCH TIME AS EITHER PARTY TERMINATES OR ABANDONS THE ADVANCE CHARTER REGULATION WHICH WAS THE BASIS FOR ITS ENTRY INTO THIS AGREEMENT, IMMEDIATELY UPON NOTICE TO THE OTHER PARTY; OR AT SUCH TIME AS IT MAY BE SUPERSEDED BY A GENERAL AGREELIMITED OFFICIAL USE

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PAGE 03 STATE 063635

MENT BETWEEN THE TWO PARTIES ON NONSCHEDULED AIR SERVICES (INCLUDING " ADVANCE CHARTER TGC' S/ ABC' S").2

I. AGREED PROCEDURES FOR MUTUAL IMPLEMENTATION AND ENFORCEMENT OF " ADVANCE CHARTER" REGULATIONS

THE REGULATORY AUTHORITIES OF EACH PARTY SHALL:

- (1) WITHOUT PREJUDICE TO OTHERWISE AUTHORIZED CHARTER OPERATIONS, ACCEPT AS CHARTERWORTHY ADVANCE CHARTER TRANS-ATLANTIC TRAFFIC (A) ORIGINATED IN THE TERRITORY OF THE OTHER PARTY AND OPERATED PURSUANT TO THE " ADVANCE CHARTER"

(TGC OR ABC)2 RULES OF THAT PARTY, AND (B) ORIGINATED OUTSIDE THE TERRITORY OF EITHER PARTY AND OPERATED PURSUANT TO " ADVANCE CHARTER" RULES WHICH THE PARTY TO WHOSE TERRITORY THE CHARTER FLIGHT IS OPERATED HAS RECOGNIZED.

(2) NOT REQUIRE THE ROUTINE FILING WITH THEM OF PASSENGER LISTS AND OTHER DOCUMENTS FOR CHARTER FLIGHTS (A) ORIGINATED IN THE TERRITORY OF THE OTHER PARTY AND OPERATED PURSUANT TO THE " ADVANCE CHARTER" RULES OF THAT PARTY, AND (B) ORIGINATED OUTSIDE THE TERRITORY OF EITHER PARTY AND OPERATED PURSUANT TO " ADVANCE CHARTER" RULES WHICH THE PARTY TO WHOSE TERRITORY THE CHARTER FLIGHT IS OPERATED HAS RECOGNIZED.

(3) ON REQUEST OF THE REGULATORY AUTHORITIES OF THE OTHER PARTY, TRANSMIT PASSENGER LISTS AND OTHER APPROPRIATE DOCUMENTS TO THE REGULATORY AUTHORITIES OF THAT PARTY TO FACILITATE THE CONDUCT BY SUCH AUTHORITIES OF PREFLIGHT SPOT CHECKS OF FLIGHTS OPERATED PURSUANT TO THE TRANSMITTING PARTY'S " ADVANCE CHARTER" RULES, ESPECIALLY IF ON SUCH FLIGHTS GROUPS OF DIFFERING CHARACTER ARE INCLUDED, AND ALSO IN THE CASE OF OPEN- JAW FLIGHTS.

(4) TRANSMIT TO THE REGULATORY AUTHORITIES OF THE OTHER PARTY, FOR APPROPRIATE ENFORCEMENT OF ITS RULES, EVIDENCE OBTAINED OF POSSIBLE RULE VIOLATIONS ON FLIGHTS OPERATED PURSUANT TO THE " ADVANCE CHARTER" RULES OF THAT PARTY.

(5) CONDUCT SPOT CHECKS, FROM TIME TO TIME, AND POST LIMITED OFFICIAL USE

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PAGE 04 STATE 063635

FLIGHT REVIEWS OF " ADVANCE CHARTER" FLIGHTS OPERATED PURSUANT TO ITS RULES, TAKE APPROPRIATE ACTION WHEN VIOLATIONS ARE OBSERVED, AND REGULATE THE CONDUCT OF CHARTER ORGANIZERS OPERATING ON ITS TERRITORY.

(6) REQUIRE THE FILING OF TARIFFS, AND ENFORCE CONFORMITY TO TARIFF RULES, ON ALL FLIGHTS OPERATED IN ACCORDANCE WITH TGC OR ABC RULES.

(7) CONSULT WITH THE APPROPRIATE AUTHORITIES OF THE OTHER PARTY ABOUT UNECONOMICAL, UNREASONABLE, OR UNJUSTLY DISCRIMINATORY CHARTER RATES CHARGED OR PROPOSED TO BE CHARGED FOR SERVICES CONDUCTED PURSUANT TO THIS UNDERSTANDING AND, IN THE EVENT OF NO RESOLUTION BY CONSULTATION, TAKE APPROPRIATE ACTION TO PREVENT THE INAUGURATION OR CONTINUATION OF UNECONOMICAL, UNREASONABLE, OR UNJUSTLY DISCRIMINATORY RATES.

(8) STAND READY TO MODIFY THEIR " ADVANCE CHARTER" RULES SHOULD IT BECOME NECESSARY IN ORDER TO PREVENT UNDUE DIVERSION FROM THE SCHEDULED AIR SERVICES OF EACH BETWEEN THEIR TERRITORIES.

(9) ACCORD LIBERAL TREATMENT TO APPLICATIONS FOR " ADVANCE CHARTER" FLIGHTS BY THE CARRIERS OF THE OTHER PARTY UNDER TGC OR ABC RULES.

(10) STRIVE FOR COMMONALITY OF RULES FOR " ADVANCE CHARTER" RAFFE(IN ORDER TO FACILITATE THE CONCLUSION OF BILATERAL AGREEMENTS ON NONSCHEDULED AIR SERVICES.

(11) ACCEPT AS CHARTERWORTHY ANY BONA FIDE " PRIOR AFFINITY" CHARTER TRAFFIC DURING THE PERIOD OF VALIDITY OF THIS TYPE OF CHARTER UNDER THE RULES OF BOTH PARTIES.

II. UNITED STATES ACTIONS

THE REGULATORY AUTHORITIES OF THE UNITED STATES SHALL:

(1) BEGIN AND CONCLUDE, AS SOON AS PRACTICABLE, RULE MAKING PROCEDURES TO AUTHORIZE ACCEPTANCE AS CHARTERWORTHY OF TRAFFIC CONFORMING TO THE NETHERLANDS ABC RULES ON A CON-LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

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